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INFO	LOG-00	NP-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
	DOEE-00	PERC-00	DS-00	EB-00	EUR-00	H-00	TEDE-00
	INR-00	IO-00	LAB-01	L-00	AC-00	NRC-00	NRRC-00
	NSAE-00	OES-00	OIC-00	OMB-00	NIMA-00	PA-00	MCC-00
	PM-00	GIWI-00	PRS-00	ACE-00	P-00	FMPC-00	SP-00
	SSO-00	SS-00	STR-00	TRSE-00	SCRS-00	PMB-00	DSCC-00
	PRM-00	DRL-00	G-00	NFAT-00	SAS-00	SWCI-00	/001W

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 FM AMEMBASSY CARACAS
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 INFO AMEMBASSY VATICAN PRIORITY
 AMEMBASSY BERLIN PRIORITY
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 AMEMBASSY QUITO PRIORITY
 AMEMBASSY SANTIAGO PRIORITY
 AMEMBASSY THE HAGUE PRIORITY
 AMCONSUL CURACAO PRIORITY
 USEU BRUSSELS PRIORITY
 NSC WASHDC PRIORITY
 HQ USSOUTHCOM MIAMI FL PRIORITY

C O N F I D E N T I A L CARACAS 002633

NSC FOR CBARTON
 USCINCSO ALSO FOR POLAD

E.O. 12958: DECL: 02/25/2014
 TAGS: PGOV, PHUM, VE
 SUBJECT: VENEZUELAN POLITICAL PROSECUTIONS UPDATE

REF: CARACAS 01389

Classified By: DEPUTY CHIEF OF MISSION JOHN CREAMER 1.4 (d)

 SUMMARY

1. (C) Venezuelan courts ruled there was enough evidence to

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try the leaders of Sumate, Venezuelan Workers' Confederation President Carlos Ortega, General Felipe Rodriguez, and former Caracas Metropolitan Police officials Henry Vivas, Lazaro Forero and Ivan Simonovis. Court dates have not yet been set. Venezuelan appeals courts upheld the convictions of General Alfonso Martinez for violating security zones and journalist Patricia Poleo for defamation. Both are currently free with restrictions. A Venezuelan court summoned Cofavic director Lilian Ortega to justify her need for police protection, despite a June 14 Inter-American Court of Human Rights (IACHR) resolution requiring the GOV to reinstitute her protection without delay. Attorney General Isaias Rodriguez announced the launch of a criminal investigation against Caracas daily El Universal for its July 25 editorial "Justice Kneels Down." Attorney General Rodriguez declared the Public Ministry under international attack because of its case against former Inter-American Human Rights Commission President Carlos Ayala. End summary.

Sumate

2. (C) A Caracas court ruled July 7 that Sumate's leaders - Maria Corina Machado, Alejandro Plaz, Luis Enrique Palacios, and Ricardo Estevez - would stand trial for conspiracy to undermine the GOV by accepting National Endowment for Democracy (NED) funds. The court did not order detention measures for Sumate's leadership pending trial, despite the prosecution's insistence that they posed a flight risk. If convicted, Sumate's leadership could face prison terms of up to sixteen years.

[REDACTED]
[REDACTED] A trial date has not yet been set.

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Liliana Ortega

3. (C) The Inter-American Court of Human Rights (IACHR) passed a resolution June 14 requiring the GOV to reinstitute police protection for Liliana Ortega, the executive director of the Venezuelan NGO Cofavic. Ortega has been under court-ordered protection since November 2002 due to threats she receives as a human rights leader.

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that the IACHR's resolution specifically prohibits the GOV from determining that this protection is unnecessary. Ortega's court date is set for September 5. The case shows the GOV's continuing efforts to undercut the Inter-American legal system, by asserting its right to review, as well as supersede, the regional bodies' rulings.

Carlos Ayala

4. (C) The prosecution formally charged Carlos Ayala Corao - the former President of the Inter-American Commission of

Human Rights and sitting President of the Andean Commission of Jurists - with conspiracy April 14 for his alleged participation in the April 2002 coup.

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5. (U) Human rights groups have been vocal in their criticism of the case. 70 international human rights organizations petitioned Attorney General Isaias Rodriguez to cease the legal harassment of Ayala at the start of the case in May. More recently, the Center for Justice and International Law (CEJIL), the Andean Commission of Jurists (CAJ), and a coalition of Venezuela's major human rights groups issued individual statements of support. This attention led the Attorney General to declare the Public Ministry was under international attack because of its case against Ayala. He said the Public Ministry would present its side of the story to the Organization of American States and the Inter-American Association of Public Ministries.

El Universal

6. (C) Attorney General Isaias Rodriguez announced the launch of a criminal investigation against Caracas daily El Universal July 27. The Attorney General called the paper's July 25 editorial entitled "Justice Kneels Down" "a journalistic plot taken from the next chapter in the CIA's

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Manual of Coup-Plotting." In his announcement, Rodriguez alleged that the editorial "presumably defamed the Public Ministry and the Judicial Branch."

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the President of the Supreme Court (TSJ) Penal Chamber Eladio Aponte Aponte has been assigned to investigate whether there was a case for vilification.

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Vivas, Forero, and Simonovis

8. (U) A judge ruled May 11 that Henry Vivas, Lazaro Forero, and Ivan Simonovis would stand trial as "necessary accomplices in complicity to commit murder", in relation to the deaths of two persons on April 11, 2002. Prosecutor Luisa Ortega alleges that the three former leaders of the Metropolitan Police (PM) ordered PM officers to open fire on Chavez supporters who confronted the opposition march on April 11, 2002. Simonovis was in charge of Security for Greater Caracas; Vivas was head of the PM, and Forero was his deputy.

9. (C) The defense reacted strongly against the decision, calling it a reflection of the "deplorable" state of Venezuelan justice.

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10. (C) The court ordered the continued detainment of the three pending trial and on July 25 an Appeals Court upheld this decision.

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El Cuervo

11. (C) A judge ruled May 20 that Gen. Felipe Rodriguez would stand trial on charges of rebellion, instigation of rebellion, conspiracy, illegal possession of a weapon, illegal possession of a weapon of war, bombing a diplomatic mission, injury, and assault. The GOV alleges Rodriguez was behind the February 2003 bombings of the Spanish and Colombian counslates in Caracas, as well as the military protest at Altamira in October of that year. The court ordered Rodriguez's continued detainment pending trial. Rodriguez was transferred from Military Intelligence headquarters to Yare I March 21, despite a court order that he be transferred to the military prison in Ramo Verde which has better conditions than Yare. His family has publicly charged that he is being held in extremely poor conditions,

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Rodriguez's trial is expected
to begin in October.

Gen. Carlos Alfonzo Martinez

12. (U) A Caracas appeals court July 12 upheld the original August 2004 conviction of Gen. Alfonzo Martinez to five years probation for violating security zones by protesting in front of National Guard headquarters. Martinez was absolved of all charges on appeal in October 2004, but this ruling was thrown out by the Penal Chamber of the Supreme Court April 14 and the 4th Appeals Court was assigned to hear the case again. In upholding the original sentence and convicting Martinez for violating security zones, the court discarded the prosecution's additional charges of instigation of rebellion and abandonment of command which would most likely have carried prison time. Martinez is currently free with the restrictions that he present himself every 15 days before the court, stay within Caracas' city limits, and not speak to the press. The appeals court's ruling did not specify whether these restrictions would continue.

Carlos Ortega

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13. (U) A Caracas court ruled May 6 there was enough evidence to send Venezuelan Workers' Confederation President Carlos Ortega to trial on charges of civil rebellion, instigation to commit crimes and using a false public document. Procedural delays stalled the trial, and a court ruled July 11 that Ortega would be tried without the Venezuelan equivalent of a jury due to repeated failures to identify successful candidates. Henry Ramos Allup, the Secretary General of Accion Democratica, told the press July 11 that Ortega was evaluating whether he would boycott the trial to protest this decision. The trial, set to begin August 2, was delayed again and a new trial date has not been announced. Ortega has been detained since his arrest March 1 in Ramo Verde military prison.

Patricia Poleo

14. (C) A Caracas appeals court July 21 upheld the April 12 conviction of journalist Patricia Poleo for defaming Interior Minister Jesse Chacon. Poleo was sentenced to six months in prison for publishing a photograph that allegedly showed Chacon standing over someone killed at the Venezuelan Television offices during the February 1992 coup attempt.

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[REDACTED] She is currently serving month five of her six month sentence, which does not require her to serve jail time, but prohibits her from leaving the country and requires her to report periodically to the court.

Comment

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